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April 18, 2013

Via E-mail and UPS Overnight Delivery

Ms. Maria Goodine (3HS62)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

**Re: Philadelphia Media Network, LLC Response to Section 104(e) Request for
Information for the Lower Darby Creek Area Superfund Site**

Dear Ms. Goodine:

The following letter is being submitted on behalf of Philadelphia Media Network, LLC ("PMN") in response to the United States Environmental Protection Agency's Required Submission of Information for the Lower Darby Creek Area Superfund Site, Operable Unit 1 – Clearview Landfill, dated February 14, 2013 ("Information Request").

The Information Request seeks information relating to the "Philadelphia Inquirer" from between 1958 and 1976 as it related to the Clearview Landfill. PMN and its current parent corporation, Interstate General Media Holdings, LLC ("IGM Holdings"), are not corporate successors to Triangle Publications, Philadelphia Newspapers, Inc. ("PNI"), or any other the corporate entity that owned the Philadelphia Inquirer prior to September 2010.

PNI sold the Philadelphia Inquirer to Philadelphia Newspapers LLC ("PNL") on June 29, 2006. On February 22, 2009, PNL and its affiliates, including Philadelphia Media Holdings, filed petitions for relief under Chapter 11 of Title 11 of the United States Code. As part of their bankruptcy cases, the Environmental Protection Agency ("EPA") was listed as a creditor with respect to all sites for which PNL was aware of potential liability for environmental issues, and was provided notice of the bankruptcy cases.

During the bankruptcy cases, the EPA filed a proof of claim, claim number 560, setting forth the purported environmental liability of PNL and its affiliates. The proof of claim does not appear to specifically reference the Lower Darby Creek Area Superfund Site; however, the

Information Request received by PMN includes two interview summaries that predate PNL's bankruptcy cases by several years. It appears from the summaries that the EPA was aware of and intended to include PNL as a potentially liable party with respect to this site as early as 2003.

During the bankruptcy cases, PNL and EPA engaged in negotiations and eventually reached an agreement on PNL's then known or anticipated environmental liabilities, which agreement was memorialized in a settlement agreement and fully administered as part of the Chapter 11 plan that was confirmed in the bankruptcy cases.

As part of that plan, PMN purchased the assets of PNL and its affiliates, free and clear of all claims, interests, and encumbrances. The asset purchase agreement governing that sale expressly provides that PMN was acquiring no liabilities of PNL and its affiliates unless expressly stated in the agreement, was not acquiring the stock or equity interests of PNL and its affiliates, and would not become a successor in interest to those entities.

Notice of the sale was provided to creditors and parties in interest and was made public via newspaper publication. The sale was approved by the bankruptcy court on September 30, 2010.

As a result of the bankruptcy cases, the liabilities of PNL and its affiliates were resolved through the confirmed Chapter 11 plan, the equity interests in PNL and its affiliates were extinguished and all officers and agents of those entities were discharged from their duties. PNL and its affiliates no longer operate, hold assets or conduct business. While PNL and its affiliates have not been formally dissolved under state law, they exist in name only.

In April 2012, IGM Holdings acquired the stock and business operations of PMN.* As PMN was not a successor to PNL and its affiliates, IGM Holdings also cannot be a successor to those entities and is not subject to liability for any obligations that were or may be owed by PNL and its affiliates.

PMN generally objects to EPA's Information Request on the following grounds:

General Objections

1. PMN objects to the overbroad, vague and unduly burdensome requests for documents and information and related instructions and definitions. PMN specifically objects to this Information Request as overbroad and unduly burdensome in that it seeks documents and information for a eighteen (18) year period ending nearly thirty-seven (37) years ago.

* Prior to and at the time of the April 2012 transaction, PMN was a corporation. It has subsequently reorganized as a limited liability company.

2. PMN further objects that the requests are overbroad and unduly burdensome to the extent they seek information unrelated to the Site (as that term is defined in the Information Request), is irrelevant, and not reasonably calculated to lead to information that can be legally obtained under 42 U.S.C. § 104(e). Specifically, EPA seeks extensive information relating to all operations of any Philadelphia Inquirer regardless of the relevance to such information to the Site.
3. PMN objects to the use of defined and undefined terms which are excessively broad, vague, ambiguous, irrelevant, unduly burdensome and not reasonably calculated to lead to information that can be legally obtained under 42 U.S.C. § 104(e).
4. PMN objects to the Information Request to the extent it seeks information or documents protected by the attorney-client privilege, the attorney work product doctrine, the audit or self-evaluative privilege, joint defense privilege, or any other applicable privilege.
5. PMN objects to the extent the Information Request seeks information or documents regarding materials that do not meet CERCLA's definitions of "hazardous substances" and "pollutants or contaminants" as set forth in 42 U.S.C. § 9601(15) and (33).
6. PMN objects to any obligation to supplement these responses on an ongoing basis. CERCLA authorizes the EPA to require submission of information upon reasonable notice. 42 U.S.C. 9604(e). Notwithstanding the foregoing, PMN is willing to provide additional information if specifically requested by the EPA in the future and in compliance with CERCLA, provided that the information is relevant, reasonably available, has not already been provided and is not otherwise subject to these objections. PMN's response to this Information Request is limited to the currently available information and personnel, and PMN reserves the right to supplement, modify and/or amend its response if new or additional information becomes available.
7. This response does not constitute, nor shall it be construed to be an admission of liability or facts with respect to any claims, demands, causes of action or alleged violations set forth in this Information Request or relating to the subject matter of this Information Request.

Subject to the preceding general objections, PMN's response is as follows:

1. **What is the current nature of the business or activity conducted by the Inquirer in the Philadelphia area? What is the current address of any Inquirer facility?**

The Inquirer's current primary business activity is publishing the Philadelphia Inquirer newspaper. Its offices are located at 801 Market Street, Suite 300, Philadelphia, PA

19107 and it is printed at the Schuylkill Printing Plant, 800 River Road, West Conshohocken, PA 19420. To PMN's knowledge, neither of these facilities was used by the Inquirer during the period relevant to the Information Request.

2. What was the nature of the Inquirer's business or activity in the Philadelphia area between 1958 and 1976?

To PMN's understanding, the Inquirer's primary business activity was publishing the Philadelphia Inquirer. PMN is not aware of any other business activity during that time period.

3. Identify all persons currently or formerly employed by the Inquirer who have or may have personal knowledge of its operations and waste disposal practices between 1958 and 1976. For each such person, state that person's job title, dates of employment, current address and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.

PMN interviewed several current long-term employees, and none had personal knowledge or identified any persons that would have information from the relevant time period.

4. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at the Inquirer's facilities between 1958 and 1976. With respect to each such hazardous substance, further identify:

- a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled at the Inquirer's Philadelphia area facilities;
- b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
- c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled at the Inquirer's Philadelphia area facilities;
- d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled at the Inquirer's Philadelphia area facilities;
- e. The types and sizes of containers in which these substances were transported and stored; and

- f. The persons or companies that supplied each such hazardous substance to the Inquirer.**

PMN does not have any information responsive to this request.

- 5. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled at the Inquirer's Philadelphia area facilities between 1958 and 1976. With respect to each such by-product and waste identified, further identify:**

- a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled at the Inquirer's Philadelphia area facilities;**
- b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;**
- c. The annual quantity of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled at the Inquirer's Philadelphia area facilities;**
- d. The types, sizes and numbers of containers used to treat, store, or dispose each such by-product or waste;**
- e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and**
- f. The location and method of treatment and/or disposal of each such by-product or waste.**

PMN does not have any information responsive to this request.

- 6. Did the Inquirer ever contract with, or make arrangement with any of the following companies: Clearview Land Development Company, the Clearview Landfill, Heller's Dump, Richard or Edward Heller, Eastern Industrial Corporation, Tri-County Hauling, Patrick Bizzari Hauling, "Charles Crumbley," Ace Service Corp./Ace Dump Truck, Edward Lawrenson, Inc., "Quickway," "Nu Way," "Bennie's Hauling," William Adams and Sons, "Al Gonnelli," Schiavo Brothers, Inc., "Maritime," Dorner Trash, Harway, Inc./Warren Harmon, Inc., Northeast Disposal, Donald Vile, Inc., Disposal Corporation of America, "White Glove Trash" or any other company or municipality to remove or transport material from its Philadelphia area facilities for disposal between 1958 and 1976? If so, for each transaction identified above, please identify:**

- a. The person with whom the Inquirer made such a contract or arrangement;
- b. The date(s) on which or time period during which such material was removed or transported for disposal;
- c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
- d. The annual quantity (number of loads, gallons, drums) of such material;
- e. The manner in which such material was containerized for shipment or disposal;
- f. The location to which such material was transported for disposal;
- g. The person(s) who selected the location to which such material was transported for disposal;
- h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom the Inquirer dealt concerning removal or transportation of such material; and
- i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in the Inquirer's possession regarding arrangements made to remove or transport such material.

PMN does not have any information responsive to this request.

7. Identify individuals employed by the Inquirer who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at the Inquirer's facilities in the Philadelphia area between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same person identified by your answer to Question 3, so indicate.

PMN does not have any information responsive to this request.

8. For every instance in which the Inquirer disposed of or treated material at Clearview or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
 - a. The date(s) on which such material was disposed of or treated at the Site;

- b. **The nature of such material, including the chemical content, characteristics, and physical state (i.e. liquid, solid or gas);**
- c. **The annual quantity (number of loads, gallons, drums) of such material;**
- d. **The specific location on the Site where such material was disposed of or treated; and**
- e. **Any billing information and documents (invoices, trip tickets, manifests, etc.) in the Inquirer's possession regarding arrangements made to dispose of or treat such material at the Site.**

PMN does not have any information responsive to this request.

9. **Did the Inquirer, or any other company or individual ever spill or cause a release of any chemical, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste at Clearview? If so, identify the following:**

- f. **The date(s) the spill(s)/release occurred;**
- g. **The composition (i.e., chemical analysis) of the materials which were spilled/released;**
- h. **The response made by you or on your behalf with respect to the spill(s)/release(s); and**
- i. **The packaging, transportation, final disposition of the materials which were spilled/released.**

PMN does not have any information responsive to this request.

10. **Did the Inquirer or any person or entity on its behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview? If so, please provide all documents pertaining to such assessments or investigations.**

PMN does not have any information responsive to this request.

- 11. If you have any information about other parties who may have information which many assist the EPA in its investigation of Clearview, or who may be responsible for the generation of, transportation of, or release of contamination at Clearview, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.**

PMN does not have any information responsive to this request.

- 12. Identify the person(s) answering these questions on your behalf, including full name, mailing address, business telephone number, and relationship to the company.**

Laurence Weilheimer
Vice President and General Counsel
Interstate General Media
800 Market Street, Suite 300
Philadelphia, PA 19107
(215) 854-5652

- 13. Provide the name, title, current address, and telephone number of the individual representing the Inquirer to whom future correspondence or telephone calls should be directed.**

Laurence Weilheimer
Vice President and General Counsel
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Philadelphia, PA 19107
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- 14. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:**

- a. The Inquirer's document retention policy;**
- b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;**
- c. A description of the type of information that would have been contained in the documents; and**

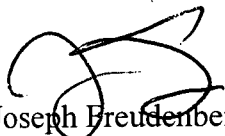
- d. **The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.**

Documents that may be responsive to this Information Request are no longer available. The information being sought was from a time period ending nearly 37 years ago. In addition to potential periodic cleaning of files, documents may have been discarded, destroyed or lost in connection with the various changes of ownership of the Inquirer or facility relocations.

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If you have any questions regarding this response, please call me at (215) 575-7289.

Very truly yours,


Joseph Breidenberg

JB/cs

cc: Laurence Weilheimer, Esquire